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SPECIAL COMMITTEE ON THE CHARTER
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Working paper submitted by the Russian Federation

DRAFT DECLARATION ON THE BASIC PRINCIPLES AND CRITERIA FOR THE WORK OF UNITED NATIONS PEACE-KEEPING MISSIONS AND MECHANISMS FOR THE PREVENTION AND SETTLEMENT OF CRISES AND CONFLICTS

The General Assembly,

Referring to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Manila Declaration on the Peaceful Settlement of International Disputes, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security and the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,

Aware that one of the main threats to the maintenance of security and stability in the regions and the world as a whole is the new generation of conflicts, including conflicts associated with inter-ethnic, inter-faith, political, territorial and other contradictions both between States and within them,

Recognizing that the new generation of conflicts leads to deaths and suffering for the broad mass of the civilian population, the destruction of State infrastructure and the undermining of regional and global security,

Stressing the primary responsibility of the Security Council for the maintenance of international peace and security, under Article 24 of the Charter of the United Nations,

Considering that the growth in the number and intensity of conflicts requires the adoption of urgent measures by the international community in order to prevent, restrain and suppress them,

Affirming also that the rights and obligations of the Security Council remain immutable and are retained to the full in the maintenance or restoration of international peace and security,

Stressing that adherence to the principles of sovereignty, territorial integrity and political independence of States and respect for human rights are of crucial importance for any joint efforts to prevent and eradicate crises and conflicts and bring about their peaceful settlement,

Noting that there is now a clear need to adopt additional measures in order to strengthen the potential of the United Nations in the fields of preventive diplomacy, peacemaking and post-conflict peace-building, and where appropriate, peace-keeping,

Considering that the United Nations has accumulated a great deal of experience and has achieved favourable results in the peaceful settlement of a number of crises and conflicts and that the practice of conducting peace-keeping operations on the basis of the consent and cooperation of the parties has proved its effectiveness,

Taking into account the recommendation contained in the Note by the President of the Security Council of 28 May 1993 1/ that all States should make participation in and support for international peace-keeping a part of their foreign and national security policy,

Considering that the effective utilization of United Nations instruments and mechanisms in the prevention and settlement of crises and conflicts would help ensure collective security in accordance with the Charter of the United Nations,

Noting that it would be very useful and timely to standardize and regulate the operation of United Nations missions, instruments and mechanisms acting in the sphere of conflict and crisis detection, prevention and resolution and peacemaking and to enhance their practical performance, thereby making a substantial contribution to the further development of the anti-crisis potential of the United Nations in accordance with its Charter,

Solemnly proclaims that in the conduct of United Nations peace-keeping missions, instruments and mechanisms (hereinafter referred to as "mechanisms"), including fact-finding missions, military and civilian observer groups, missions of representatives of the Secretary-General and observer missions, and of peace-

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keeping operations, the following basic principles and criteria shall be observed:

1. The basic goal of the mechanisms shall be to provide assistance and help in establishing contacts between the parties to a conflict and organizing negotiations between them, and in so doing to promote the political process of crisis resolution with a view to the eventual establishment of a situation of peace, harmony, trust and stability;

2. The primary requirement in the formulation of the mandate of the mechanisms by the Security Council and other United Nations bodies is that they should be valid under international law and that the inclusion in the mandate of elements which are prejudicial to the neutrality and impartiality of the mechanisms should be prevented;

3. The mandate of the mechanisms must have as its basis the Charter of the United Nations, Security Council decisions and bilateral and multilateral international agreements concluded in this sphere;

4. In formulating and implementing the mandate of the mechanisms, close cooperation with the parties to the conflict is of great importance;

5. All States, in their approaches to conflict settlement, must have as their starting-point respect for the primacy of the United Nations, as envisaged in the Charter of the United Nations, in the sphere of the maintenance or restoration of international peace and security;

6. The Security Council and other United Nations organs, in formulating measures for the settlement of crises and conflicts, shall take into account the need for the most precise assignment possible of the functions of all the mechanisms involved in a settlement in order to avoid duplication of work, rivalry and an undesirable proliferation of mechanisms providing mediation services and good offices;

7. The peace-keeping activity of regional arrangements and agencies is legitimate under the terms of Chapter VIII of the Charter of the United Nations. They are entitled to take the initiative and carry out a broad range of actions, with the exception of the use of force, which must be approved by the Security Council;

8. In the settlement of a conflict, the presence of a clear political goal and a precise mandate for the mechanisms, subject to periodic review and to change in its character and duration, are of great importance. The work of a mechanism may be officially terminated only by the United Nations body which took a decision to activate the mechanism;

9. One of the main conditions for the operation of a mechanism is to have the consent of the relevant parties to its initiation and to the continuation of its activity and also to ensure the cooperation of the parties to the conflict both with each other and with the mechanism;

10. The mechanisms shall be open to multinational participation with the consent of all the parties involved in the settlement of the conflict. An appropriate level of transparency must be ensured in their activity;

11. In planning and using the mechanisms, the most careful attention must be paid to questions of ensuring the safety and protection of personnel. In the country in which a mechanism is deployed, reliable security conditions must be created, and violent assaults on the lives and health of the personnel of the mechanism must be prevented;

12. By agreement among the parties to a conflict, the mechanisms may be entrusted with additional functions defined in memoranda of understanding, cease-fire or truce agreements or agreements on the political settlement of conflicts, etc. However, any such expansion of the functions of a mechanism must be approved by the United Nations Security Council;

13. The mechanisms must coordinate and link their work with other instruments for the prevention and peaceful settlement of conflicts - preventive diplomacy, peacemaking, and post-conflict peace-building;

14. Between the United Nations and the State(s) in whose territory a mechanism is operating, arrangements must be made (agreements must be concluded) regulating the legal status of the personnel of the mechanism and the procedure for their relations with the authorities of the country of deployment;

15. An important criterion for the use of the mechanisms is the presence of an adequate financial and administrative base (including questions of the diversification of the sources of funding for the mechanisms; covering expenses from voluntary contributions of States, donations in cash or in kind from major corporations, non-governmental organizations, funds and other private sources; participation of the receiving country in covering expenses; establishment of a voluntary fund to finance peace-keeping mechanisms and operations, etc.);

16. The mechanisms must have a unified and clearly defined command and control structure ensuring the orderly and effective discharge of the mandate assigned to them, and precise coordination of the political, military, humanitarian, civilian and administrative components of any activity must be ensured;

17. Any cases of withdrawal of the consent of a party to the use of the mechanisms must be taken up immediately in the body which issued the mandate;

18. The success of the mechanisms' work depends to a considerable extent on active information efforts designed to help develop constructive links between the parties to a conflict and a better understanding of the objectives and nature of the mechanisms by the population of all countries and to ensure support for the mechanisms on the part of world public opinion;

19. Coordination of the work of the mechanisms and the activities of humanitarian organizations must be ensured, and must take into account the fact that a considerable number of humanitarian organizations (the Office of the United Nations High Commissioner for Refugees (UNHCR), the International

Committee of the Red Cross (ICRC), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP) and others) have their own permanent mandates which are sometimes not directly related to the goals and objectives of the mechanisms and have an independent, autonomous character;

20. The work of the mechanisms, including humanitarian assistance provided within their framework, shall not be a replacement for the peaceful settlement of conflicts and is designed only to promote the attainment of that goal;

21. In organizing cooperation between the mechanisms and humanitarian organizations it must be borne in mind that humanitarian activities are carried out on the basis of the principles of a humane attitude towards all victims, the impartial provision of assistance without any discrimination and distinction as to political or ideological convictions, race, religion, sex or national affiliation, and a neutral approach;

22. The United Nations mechanisms shall cooperate closely with regional arrangements and agencies and may draw on their resources, experience, specialized knowledge and assistance in order to promote the maintenance of peace and stability and the political settlement of crises and conflicts.

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Revised proposal presented by the Libyan Arab Jamahiriya with a view to strengthening the role of the United Nations in the maintenance of international peace and security

International peace and security greatly influence the life and welfare of peoples. That is why the maintenance of international peace and security is among the purposes and principles of the United Nations, as stipulated in the Charter. In order to achieve this purpose, the framers of the United Nations Charter sought to adopt the collective measures needed for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace. The Security Council has been entrusted with the primary responsibility for the maintenance of international peace and security. The Charter also states that the General Assembly may consider the general principles of cooperation in the maintenance of international peace and security and may make recommendations with regard to such principles to the Members or to the Security Council, or to both.

The post-cold war era has created good opportunities for the United Nations to play the role entrusted to it by the Charter. This development has placed the Organization at the forefront of actions aimed at strengthening international cooperation in the maintenance of international peace and security. In order for the United Nations to better serve the international community in this field, it has to be restructured, and it has become necessary to take measures that would enhance the effectiveness of its principal organs, based on the principles of justice, democracy and the full, sovereign equality of Member States. The desired result of all of this is an active General Assembly capable of confronting international challenges, and a Security Council that embodies the changes in the international situation.

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization can contribute to efforts to

reform and restructure the Organization. Within the framework of current efforts, the Special Committee should explore ways and means of revitalizing the General Assembly and highlighting its special role as the only organ with universal membership. Under the functions entrusted to it, the Special Committee should take part in reforming the Security Council and the way it is composed and in improving its working methods.

The Libyan Arab Jamahiriya believes that the following ideas would help the Special Committee in achieving these ends, and trusts that discussions in the Committee would provide an opportunity to enrich and develop these ideas:

1. Consideration of means of strengthening the role of the General Assembly in the realization of effective international cooperation in the maintenance of international peace and security, based on Articles 10, 11 and 14 of the Charter, since peace and security are the common responsibility of all Members of the United Nations.

2. Proposing ways and means of enhancing the relationship between the General Assembly and the Security Council, based on Articles 15 and 24 of the Charter and within the framework of the two organs' work in strengthening international peace and security.

3. Development of criteria that would guarantee that the composition of the Security Council reflected the general membership of the United Nations, and criteria to guarantee equitable geographical distribution in the membership of the Security Council, in addition to the laying down of rules for a regular review of the composition and functioning of the Security Council.

4. Specification of the procedural matters referred to in paragraph 2 of Article 27 of the Charter.

5. Exploration of ways and means that would enhance the role of the Security Council in the maintenance of international peace and security; consideration of the negative effects of the application of the rule on the necessity of unanimity among the permanent members of the Security Council; how to limit the use of this rule, including the specification of questions in the consideration of which the rule should be suspended; and looking into certain areas where this rule should not apply, in addition to proposing measures that would lead to the final repeal of this rule.